IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.REVN.APPLN.NO.170 OF 1998

The State of Maharashtra
(at the instance of Banda
Police Station,
Dist.Ratnagiri ..Applicant

Vs.

Pradeep Ramkrishna Gaikwad
Age 35 years,
R/o Gunny Baig House,
Sawantwadi, Dist.Sindhudurg ..Respondents

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Mr.K.V.Saste A.P.P. for State
Mr.Prakash Naik Advocate for Respndent

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 4, 2007

P.C.

1. Heard Mr.Saste, the learned A.P.P. for the State and Mr.Prakash Naik, the learned counsel for the Respondent.

2. Being aggrieved by the judgment and order dated 16.4.1998 passed by the learned Additional Sessions Judge, Sindhudurg, Oras in Special Case No. 1 of 1998, whereby the Respondent came to be discharged, this revision has been filed by the State.

3. By the said order, the Respondent came to be discharged under Sections 7, 12, 13 (1)(d) r.w. 13(2) of the Prevention of Corruption Act and Section 109 of IPC.

4. I have perused the order dated 16.4.1998 and the record.

5. The case of the prosecution is that on 10.12.1996 the complainant Kalidas took a passenger bus from Mumbai to Goa. On the way, he stopped the bus at the check-post at Insuli. The Respondent was working as Inspector at the said check-post. When the bus stopped at the said check-post, the passengers were to be checked and the passengers' list was to be stamped and signed by the RTO authorities. It is the case of the complainant that when he reached at the said check-post, the respondent demanded Rs.100/- to stamp and sign the said passengers' list. Complainant Kalidas lodged his complaint on the same day. On perusal of the complaint, it is seen that no demand was made by the present Respondent either for Rs.100/- or for any other amount nor was the money handed over to the present Respondent. it is the case of the

complainant that the Respondent told him to go inside the check post and meet the scale operator and give the scale operator Rs.100/- whereupon the scale operator would give him a stamp showing that the list of passengers has been checked and thereafter, the passengers' list should be brought to the Respondent and he would sign the same. However, it is an admitted fact that the passengers' list is not at all signed by the present Respondent. Thus, it is seen that no demand is made by the Respondent, no amount has been accepted by the Respondent nor has he signed the passengers' list. In this view of the matter, the learned Special Judge has rightly discharged the Respondent-accused. In my view, there is no irregularity, impropriety or illegality in the order of the learned Special Judge. Rule discharged.

[Smt.V.K.Tahilramani, J.]